

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014080945

ORDER CONTINUING PREHEARING
CONFERENCE AND SETTING AN
ORDER TO SHOW CAUSE WHY
STUDENT'S DUE PROCESS
COMPLAINT SHOULD NOT BE
DISMISSED

On October 10, 2014, Administrative Law Judge Sabrina Kong, Office of Administrative Hearings, called the parties for a telephonic prehearing conference. Donald Erwin, Attorney at Law, appeared on District's behalf. No one appeared on Student's behalf. The PHC was recorded.

Under the reauthorized Individuals with Disabilities Education Improvement Act, a hearing must be conducted and a decision rendered within 45 days following a 30-day resolution period, after receipt of Student's due process notice, in the absence of an extension. (See Ed. Code §§ 56502, subd. (f), and 56505, subd. (f)(3).) Given the short time frames applicable to this case, it is critical that parties and their representatives participate in advancing the matter to hearing. Absent receipt of notification from Student withdrawing his request for a hearing or agreeing to dismiss his case, the parties must be prepared for a hearing as currently scheduled, and OAH is obligated to hold a PHC and due process hearing.

On October 10, 2014, ALJ was unsuccessful in reaching parent for the PHC and unable to leave a message at the telephone number listed on the due process complaint after three attempts. OAH staff also called parent eight times the week of October 6, 2014 regarding filing of a PHC statement and participation in the PHC, and was likewise unsuccessful in reaching parent, and unable to leave a message. Therefore, ALJ issued the following Orders:

1. Order to Show Cause: Unless Student files a dismissal of this matter, both parties are ordered to appear telephonically on October 17, 2014, at 10:00 a.m. for a telephonic Order to Show Cause (OSC) conference. OAH will initiate the telephone call. At the OSC conference, Student must show cause, if any, as to why the above-entitled case should not be dismissed for failure to prosecute it. If Student fails to appear for the OSC

conference, then Student's due process hearing request will be considered abandoned and will be dismissed without prejudice for failure to prosecute.

2. Order Continuing PHC: The PHC scheduled for October 10, 2014, at 1:30 p.m. is continued. If Student shows sufficient cause why the matter should not be dismissed, the continued PHC will occur after the OSC conference on October 17, 2014, at 10:00 a.m. Student shall file his PHC statement on OAH and serve on District by 5:00 p.m. on September 14, 2014, and include an explanation why the PHC statement was not timely filed.

IT IS SO ORDERED.

DATE: October 10, 2014

/s/

SABRINA KONG
Administrative Law Judge
Office of Administrative Hearings